

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

STATE OF TENNESSEE, *ex rel.*  
JONATHAN SKRMETTI, ATTORNEY  
GENERAL and REPORTER, and  
COMMONWEALTH OF KENTUCKY, *ex*  
*rel.* DANIEL CAMERON, ATTORNEY  
GENERAL,

Plaintiffs,

v.

IDEAL HORIZON BENEFITS, LLC d/b/a  
SOLAR TITAN USA et al.,

Defendants.

Case No. 3:23-CV-00046-DCLC-JEM

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**MOTION FOR LEAVE OF COURT TO FILE COMPLAINT  
AGAINST DEFENDANT IDEAL HORIZON BENEFITS, LLC d/b/a SOLAR TITAN USA**

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Movants, and expected Plaintiffs, Vickie Seagle, and Page Harrison, Trustee of the Seagle Family Revocable Trust (herein "Movants"), by and through counsel and pursuant to this Court's Opinion and Order entered in this matter on February 7, 2023 (Document 21), hereby move this Honorable Court for leave to file a Complaint and cause of action against Ideal Horizon Benefits, LLC d/b/a Solar Titan USA ("Solar Titan") in the Circuit Court of Hamilton County, Tennessee.

In support of this Motion, Movants aver and would show the following:

1. Movants are the owners of a home and real property located at 6230 Brenda Court, Harrison, Tennessee 37341.
2. Movants and Solar Titan are parties to a contract and installation agreement wherein Solar Titan was to furnish and install a 7-kW solar PV package with eighteen (18) roof

mounted solar photovoltaic panels and other equipment for a solar package and energy conversion at Movants' home. The total contract amount was \$45,000.00 and it was entered into on or about September 13, 2021.

3. Solar Titan also coordinated financing for the project through its associated lender, Solar Mosaic, LLC f/k/a Solar Mosaic, Inc. d/b/a Mosaic ("Mosaic"), and induced Movants to finance the purchase of their solar package through Mosaic.

4. As further set forth and alleged in their proposed Complaint, a copy of which is attached as Exhibit A and incorporated herein by reference, Movants aver and would show that Solar Titan has failed to install the solar package and equipment at Movants' home pursuant to contract or in a manner that is consistent with industry standards and engaged in unfair and deceptive business practices throughout their course of dealings with Movants. Aside from the unethical and unfair conduct on the part of Solar Titan, Movants have also experienced various electrical issues and power interruptions at their home as a result of the work performed by this company and their home has been physically damaged in the process.

5. Based on various promises, representations, misrepresentations, fraud, breach of contract, deceptive conduct, acts and omissions on the part of Solar Titan, the Movants have sustained damages, as their solar package is not completely operational nor operating in the manner as represented by Solar Titan; yet, Movants are stuck repaying a consumer loan for the same with finance terms that were not fully explained. As such, Movants have a viable cause of action against Solar Titan and other defendants pursuant to the laws of the State of Tennessee.

6. Accordingly, Movants intend to initiate and pursue a cause of action in the Circuit Court of Hamilton County Tennessee, against Solar Titan and other defendants and assert claims

for rescission, fraudulent inducement, breach of contract, breach of warranty, fraud and misrepresentation, negligence, violations of the Tennessee Consumer Protection Act, violations of the Tennessee Home Solicitation Sales Act and civil conspiracy.

7. Pursuant to this Court's previously entered Opinion and Order (§ XV "*Stay of Actions Against Solar Titan Defendants*"), Movants, as consumers seeking to establish a claim against Solar Titan, hereby request leave of Court to file their state court Complaint and cause of action against Solar Titan, and to serve process, as may be necessary to toll any and all applicable statutes of limitation.

8. Moreover, Movants aver that leave should be granted since their Complaint includes claims against other defendants who are not covered or protected by this Court's Order and the stay imposed. In addition, some of the claims and causes of action asserted in Movants' Complaint may be directed at and/or may implicate Solar Titan's liability insurance carrier, whom also may not be subject to the provisions of this Court's previous Order.

**WHEREFORE**, premises considered, Movants respectfully pray for the relief requested herein.

Respectfully submitted,

**SPICER RUDSTROM, PLLC**

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### CERTIFICATE OF SERVICE

I hereby certify that on the 14<sup>th</sup> day of March, 2023, I electronically filed this document along with any exhibits with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

<input type="checkbox"/> Hand <input type="checkbox"/> Mail <input type="checkbox"/> Fax <input type="checkbox"/> FedEx <input type="checkbox"/> Email <b>X EFS</b>	Samuel Keen Alicia Daniels-Hill Office of the Tennessee Attorney General Attn: Consumer Protection Division P.O. Box 20207 Nashville, TN 37202 <a href="mailto:Samuel.keen@ag.tn.gov">Samuel.keen@ag.tn.gov</a> <a href="mailto:Alicia.daniels-hill@ag.tn.gov">Alicia.daniels-hill@ag.tn.gov</a>
<input type="checkbox"/> Hand <input type="checkbox"/> Mail <input type="checkbox"/> Fax <input type="checkbox"/> FedEx <input type="checkbox"/> Email <b>X EFS</b>	Paul Fata Lyndsey Antos Office of the Kentucky Attorney General Attn: Office of Consumer Protection 1024 Capital Center Drive, Suite 200 Frankfort, KY 40222 <a href="mailto:Paul.fata@ky.gov">Paul.fata@ky.gov</a> <a href="mailto:Lyndsey.antos@ky.gov">Lyndsey.antos@ky.gov</a>
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